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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/299,521	04/26/99	WHITTED	J MS-62/1(1166)

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EXAMINER

NGUYEN, D

ART UNIT

PAPER NUMBER

2871

DATE MAILED:

10/03/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/299,521

Applicant(s)  
Whitted et al.

Examiner  
Dung Nguyen

Art Unit  
2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 10, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above, claim(s) 21-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-20 and 28-30 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

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### **DETAILED ACTION**

1. Applicant's election without traverse of Group 1 (claims 1-20 and 28-30) in Paper No. 4 is acknowledged.

#### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Rejections - 35 USC § 112***

3. Claims 28-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 28, it is confusing and unclear how a transmissive reflector can be located between a first location and a second surface of the display panel. It is assumed that, according to the specification and drawings, the transmissive reflector is located between a second location in the housing and the second surface of the display panel.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 10, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Selker, US Patent No. 5,777,704.

The above claims are anticipated by Selker's figure 2 which disclose a display device comprising:

- a housing (201, 207);
- a transmissive display panel (209) mounted in a first location;
- a reflector (203) for directing ambient light entering the housing through a second location through the second surface of the display panel;
- hinges for attaching (210, 217, 220);
- a keyboard base (213);
- a backlight .

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker, US Patent No. 5,777,704 , in view of Gloor et al., US Patent No. 4,298,249.

Regarding the above claims, Selker discloses the claimed invention as described above except for a diffuser located behind the transmissive display panel. Gloor et al. do disclose a diffuser can be located behind the transmissive display panel as shown in figure 3 (19). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Selker's display device having a diffuser located behind the display panel in order to improve an utilization efficiency light to a display surface as well as to improve viewing angle of a display device (col. 3, ln. 67).

Regarding claim 19, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. See *Ex Parte Masham*, 2 USPQ F.2d 1647 (1987).

8. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker, US Patent No. 5,777,704 , in view of Applicants' admitted prior art (APA), figure 3.

Regarding claims 28-30, Selker discloses the claimed invention as described above except for a transmissive reflector. However, the use of the transmissive reflector in a display device is clearly known to one skilled in the art as disclosed in APA's figure 3 (116). Therefore,

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it would have been obvious to one skilled in the art at the time of the invention was made to use a transmissive reflector in a display device to obtain a display device which can be used in two mode (e.g., a transflector display device).


***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7722.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN  
09/27/2001

  
William L. Sikes  
Supervisory Patent Examiner  
Group 2871